

United States Department of Agriculture

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

GYPSY MOTH AND BROWN-TAIL MOTH QUARANTINE
(QUARANTINE NO. 45)

REVISION OF QUARANTINE AND REGULATIONS

INTRODUCTORY NOTE

The principal changes in this revision of the quarantine and the regulations are (1) the release from regulation of certain towns in Coos County, N. H., and parts of the counties of Caledonia, Essex, Lamoille, and Rutland, Vt.; and (2) the transfer from lightly infested to generally infested area of part of Coos County, N. H., parts of the Maine counties of Franklin, Kennebec, Oxford, Penobscot, Somerset, and Waldo, and parts of the Vermont counties of Orange, Windham, and Windsor. The quarantine as revised provides for modifications of its restrictions in accordance with facts as to pest risk found by the Chief of the Bureau of Entomology and Plant Quarantine and set forth in administrative instructions.

Former regulations 2 and 4 have been discontinued and the present regulations have been renumbered.

SUMMARY

The regulated area includes the entire State of Rhode Island and parts of Connecticut, Maine, Massachusetts, New Hampshire, and Vermont. The restricted articles, unless exempted by administrative instructions, are as follows: (1) Coniferous trees, such as spruce, fir, hemlock, pine, juniper (cedar), and arborvitae (white cedar), without roots, known as Christmas trees, and parts thereof, and evergreen decorative plants, such as boxwood, holly, and laurel, and their parts; (2) forest plant products, including logs, tanbark, posts, poles, car stakes, railroad ties, cordwood, empty cable reels, and lumber; (3) trees, shrubs, vines, and all plants having persistent woody stems, and parts of such plants excepting seeds and fruits; and (4) stone and quarry products (regulation 1).

Under these regulations no restricted articles shall be moved interstate from the regulated areas to or through any point outside thereof, nor from the generally infested area to the lightly infested area, except under a certificate or permit (regulation 3).

Christmas trees and evergreen boughs originating in the generally infested area are not allowed to be moved interstate to any point outside of that area, and no certificate or permit will be issued authorizing such movement unless such trees have been grown as nursery stock in a cultivated nursery and are certified under the provisions of regulation 4.

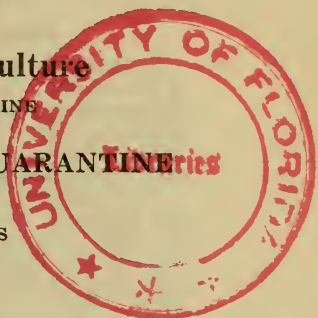
Deciduous trees and such parts thereof as bear leaves are not allowed to be moved from the brown-tail moth infested area to outside points without a certificate or permit, except that a State nursery inspection certificate may be substituted in the case of certain classes of movement within the gypsy moth regulated areas (regulation 3).

Woody plants grown in the greenhouse throughout the year and cut flowers thereof may be shipped interstate without inspection and certification on condition that each box or package is plainly labeled to show that the contents were greenhouse grown.

For the conditions governing inspection and certification, marking requirements, and similar details, see regulations 4 to 10, inclusive.

To arrange for inspection and certificates, address Bureau of Entomology and Plant Quarantine, 266 Glenwood Avenue, Bloomfield, N. J.

S. A. ROHWER,

Acting Chief, Bureau of Entomology and Plant Quarantine.

NOTICE OF QUARANTINE NO. 45 (REVISED)

(Approved September 28, 1938; effective September 29, 1938)

I, Harry L. Brown, Acting Secretary of Agriculture, have determined that it is necessary to quarantine the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, to prevent the spread of two injurious insects—the gypsy moth (*Porthetria dispar* L.) and the brown-tail moth (*Nygmia phacorrhoea* Don.)—not heretofore widely distributed within and throughout the United States.

Now, therefore, I, Harry L. Brown, Acting Secretary of Agriculture, under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended, do hereby quarantine the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, and by this Notice of Quarantine No. 45 do order that (1) coniferous trees, such as spruce, fir, hemlock, pine, juniper (cedar), and arborvitae (white cedar), without roots, known and described as Christmas trees, and parts thereof, and evergreen decorative plants, such as boxwood, holly, and laurel, and parts thereof, known and described as Christmas greens and greenery; (2) forest plant products, including logs, tanbark, posts, poles, car stakes, railroad ties, cordwood, empty cable reels, and lumber; (3) trees, shrubs, vines, and all plants having persistent woody stems, and parts of such plants excepting seeds and fruit; and (4) stone and quarry products, shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and amendments thereto: *Provided*, That the restrictions of this quarantine and of the rules and regulations supplemental thereto may be limited to the areas, in a quarantined State, now or hereafter designated by the Secretary of Agriculture as regulated areas, when said State shall have provided for and enforced such control and regulatory measures with respect to such designated areas as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the spread of the gypsy moth and brown-tail moth: *And provided further*, That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles enumerated in the regulations supplemental hereto, making it safe to modify, by making less stringent, the restrictions contained in any such regulation, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulation should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and a copy thereof shall be mailed to the common carriers doing business in the quarantined area affected and every reasonable effort shall be made to give publicity to the said modification of the regulation in the area affected.

Done at the city of Washington this 28th day of September 1938.

Witness my hand and the seal of the United States Department of Agriculture.



HARRY L. BROWN,
Acting Secretary of Agriculture.

RULES AND REGULATIONS (EIGHTH REVISION) SUPPLEMENTAL TO NOTICE OF QUARANTINE NO. 45

(Approved September 28, 1938; effective September 29, 1938)

Regulation 1. Definitions

For the purpose of these regulations the following words, names, and terms shall be construed, respectively, to mean:

(a) *Gypsy moth*.—The insect known as the gypsy moth (*Porthetria dispar* L.).

(b) *Brown-tail moth*.—The insect known as the brown-tail moth (*Nygmia phacorrhoea* Don., formerly referred to as *Euproctis chrysorrhoea*).

(c) *Quarantined area*.—Any State quarantined by the Secretary of Agriculture upon determination by him that either the gypsy moth or the brown-tail moth, or both, exist therein.

(d) *Regulated area*.—The entire area comprised of portions of the quarantined States now or hereafter designated by the Secretary of Agriculture as regulated to prevent the spread of the gypsy moth or brown-tail moth, or both, therefrom.

(e) *Generally infested area*.—The entire area comprised of portions of the quarantined States now or hereafter designated by the Secretary of Agriculture as generally infested with the gypsy moth.

(f) *Lightly infested area*.—The entire area comprised of portions of the quarantined States now or hereafter designated by the Secretary of Agriculture as lightly infested with the gypsy moth.

(g) *Brown-tail moth infested area*.—The entire area comprised of portions of the quarantined States now or hereafter designated by the Secretary of Agriculture as infested with the brown-tail moth.

(h) *Restricted articles*.—(1) Coniferous trees, such as spruce, fir, hemlock, pine, juniper (cedar), and arborvitae (white cedar), without roots, known and described as Christmas trees, and parts thereof, and evergreen decorative plants, such as boxwood, holly, and laurel, and parts thereof; (2) forest plant products, including logs, tanbark, posts, poles, car stakes, railroad ties, cordwood, empty cable reels, and lumber; (3) trees, shrubs, vines, and all plants having persistent woody stems, and parts of such plants, excepting seeds and fruit; and (4) stone and quarry products.

(i) *Moved interstate; interstate movement*.—Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from one State of the United States into or through any other State or Territory or District.

(j) *Inspector*.—An inspector of the United States Department of Agriculture.

Regulation 2. Limitation of Restrictions to Regulated Areas. Designation of Regulated Areas; Generally Infested Area; Lightly Infested Area; Brown-Tail Moth Infested Area

Conditioned upon maintenance on the part of the State concerned of action deemed adequate by the Secretary of Agriculture to prevent the spread of the gypsy moth and brown-tail moth, or both such moths, from the regulated area or areas to other parts of the State, the restrictions of these regulations are limited to the following areas:

(1) REGULATED AREAS

Connecticut.—Counties of Hartford, Middlesex, New London, Tolland, and Windham; towns of Barkhamsted, Colebrook, Harwinton, New Hartford, Plymouth, Thomaston, Torrington, and Winchester, in *Litchfield County*; towns of Branford, Guilford, Madison, Meriden, North Branford, North Haven, Waterbury, and Wolcott, in *New Haven County*.

Maine.—Counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo, and York; towns of Avon, Berlin, Carthage, Chesterville, Crockertown, Dallas Plantation, Farmington, Freeman, Greenvale, Industry, Jay, Jerusalem, Kingfield, Madrid, Mount Abraham, New Sharon, New Vineyard, Perkins, Phillips, Rangeley Plantation, Redington, Salem, Sandy River

Plantation, Strong, Temple, Washington, Weld, and Wilton, and Townships D and E, in *Franklin County*; all of *Hancock County* except Plantations 3, 4, 35, and 41; all that part of *Oxford County* south and southeast of and including the towns of Magalloway and Richardsontown; towns of Alton, Argyle, Bradford, Bradley, Carmel, Charleston, Clifton, Corinna, Corinth, Dexter, Dixmont, Eddington, Etna, Exeter, Garland, Glenburn, Grand Falls Plantation, Greenbush, Greenfield, Hampden, Hermon, Holden, Hudson, Kenduskeag, Levant, Milford, Newburgh, Newport, Orono, Orrington, Plymouth, Stetson, Summit, and Veazie, and cities of Bangor, Brewer, and Old Town, in *Penobscot County*; towns of Abbott, Atkinson, Dover, Foxcroft, Guilford, Kingsbury Plantation, Parkman, Sangerville, and Wellington, in *Piscataquis County*; all that part of *Somerset County* south and southeast of and including Highland and Pleasant Ridge Plantations, town of Moscow, and Mayfield Plantation; towns of Beddington, Cherryfield, Columbia, Deblois, Harrington, Millbridge, and Steuben, and Plantations 18 and 24, in *Washington County*.

Massachusetts.—Counties of Barnstable, Bristol, Dukes, Essex, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester; all of *Franklin County* except the town of Monroe.

New Hampshire.—Counties of Belknap, Carroll, Cheshire, Grafton, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; all that part of *Coos County* lying south of and including the towns of Stratford, Odell, Dummer, and Cambridge.

Rhode Island.—The entire State.

Vermont.—Counties of Orange, Windham, and Windsor; towns of Landgrove, Peru, Readsboro, Searsburg, and Winhall, in *Bennington County*; towns of Barnet, Danville, Groton, Kirby, Peacham, Ryegate, St. Johnsbury, and Waterford, in *Caledonia County*; towns of Concord, Granby, Guildhall, Lunenburg, Maidstone, and Victory, in *Essex County*; town of Elmore, in *Lamoille County*; towns of Mount Holly, Mount Tabor, Pittsfield, Sherburne, Shrewsbury, and Wallingford, in *Rutland County*; towns of Barre, Berlin, Cabot, Calais, East Montpelier, Marshfield, Middlesex, Montpelier, Moretown, Northfield, Plainfield, Roxbury, Waitsfield, Woodbury, and Worcester, in *Washington County*.

(2) DIVISION OF REGULATED AREA

For the purpose of regulating inspection and transportation, the territory designated above is divided into two classes of areas to be known as the generally infested and lightly infested areas, respectively, and part of such regulated area is also designated as brown-tail moth infested.

(3) LIGHTLY INFESTED AREA

The following States, counties, townships, towns, plantations, cities, and other political subdivisions, including any cities, towns, boroughs, or other political subdivisions included within their limits, are designated as the lightly infested area:

Connecticut.—County of Middlesex; towns of Avon, Berlin, Bristol, Burlington, Farmington, Marlboro, New Britain, Newington, Plainville, Rocky Hill, Southington, and West Hartford, in *Hartford County*; towns of Colebrook, Harwinton, New Hartford, Plymouth, Thomaston, Torrington, and Winchester, in *Litchfield County*; towns of Branford, Guilford, Madison, Meriden, North Branford, North Haven, Waterbury, and Wolcott, in *New Haven County*; towns of East Lyme, Lyme, and Old Lyme, in *New London County*.

Maine.—Towns of Avon, Berlin, Carthage, Crockertown, Dallas Plantation, Freeman, Greenvale, Jerusalem, Kingfield, Madrid, Mount Abraham, New Vineyard, Perkins, Phillips, Rangeley Plantation, Redington, Salem, Sandy River Plantation, Strong, Temple, Washington, and Weld, and Townships D and E, in *Franklin County*; towns of Amherst, Aurora, Bucksport, Dedham, Eastbrook, Franklin, Gouldsboro, Hancock, Lamoine, Mariaville, Orland, Osborn Plantation, Otis, Penobscot, Sorrento, Sullivan, Trenton, Verona, Waltham, city of Ellsworth, and townships or plantations numbered 7, 8, 9, 10, 16, 22, 28, 32, 33, 34, 39, and 40, in *Hancock County*; towns of Andover, Andover North surplus, Byron, C., C. surplus, Grafton, Hanover, Magalloway, Newry, Richardsontown, Riley Grant, Roxbury, and Upton, in *Oxford County*; towns of Alton, Argyle, Bradford, Bradley, Carmel, Charleston, Clifton, Corinna, Corinth, Dexter, Dixmont, Eddington, Etna, Exeter, Garland, Glenburn, Grand Falls

Plantation, Greenbush, Greenfield, Hampden, Hermon, Holden, Hudson, Kenduskeag, Levant, Milford, Newburgh, Newport, Orono, Orrington, Stetson, Summit, and Veazie, and cities of Bangor, Brewer, and Old Town, in *Penobscot County*; towns of Abbott, Atkinson, Dover, Foxcroft, Guilford, Kingsbury Plantation, Parkman, Sangerville, and Wellington, in *Piscataquis County*; towns of Anson, Athens, Bingham, Brighton Plantation, Cambridge, Concord, Cornville, Embden, Harmony, Hartland, Highland, Lexington, Madison, Mayfield, Moscow, New Portland, Palmyra, Pleasant Ridge Plantation, Ripley, St. Albans, and Solon, in *Somerset County*; towns of Brooks, Frankfort, Jackson, Knox, Monroe, Prospect, Searsport, Stockton Springs, Swanville, Thorndike, Waldo, Winterport, and the city of Belfast, in *Waldo County*; towns of Beddington, Cherryfield, Columbia, Deblois, Harrington, Millbridge, and Steuben, and Plantations 18 and 24, in *Washington County*.

Massachusetts.—Towns of Charlemont, Hawley, Heath, and Rowe, in *Franklin County*; towns of Chester and Tolland, in *Hampden County*; towns of Cummington, Huntington, Middlefield, Plainfield, and Worthington, in *Hampshire County*.

New Hampshire.—Town of Hart Location, in *Carroll County*; towns of Beans Grant, Cambridge, Carroll, Chandler Purchase, Crawford Grant, Crawford Purchase, Cutts Grant, Dalton, Dummer, Hadleys Purchase, Jefferson, Kilkenny, Lancaster, Low & Burbank Grant, Milan, Nash & Sawyer Location, Northumberland, Odell, Randolph, Sargent Purchase, Stark, Stratford, Success, Thompson & Meserve Purchase, and Whitefield, in *Coos County*; towns of Bath, Bethlehem, Franconia, Landaff, Lisbon, Littleton, Lyman, and Monroe, in *Grafton County*.

Rhode Island.—Town of New Shoreham (Block Island), in *Newport County*.

Vermont.—Towns of Landgrove, Peru, Readsboro, Searsburg, and Winhall, in *Bennington County*; towns of Barnet, Danville, Groton, Kirby, Peacham, Ryegate, St. Johnsbury, and Waterford, in *Caledonia County*; towns of Concord, Granby, Guildhall, Lunenburg, Maidstone, and Victory, in *Essex County*; town of Elmore, in *Lamoille County*; towns of Braintree, Brookfield, Chelsea, Corinth, Orange, Randolph, Topsham, Strafford, Tunbridge, Vershire, Washington, West Fairlee, and Williamstown, in *Orange County*; towns of Mount Holly, Mount Tabor, Pittsfield, Sherburne, Shrewsbury, and Wallingford, in *Rutland County*; towns of Barre, Berlin, Cabot, Calais, East Montpelier, Marshfield, Middlesex, Montpelier, Moretown, Northfield, Plainfield, Roxbury, Waitsfield, Woodbury, and Worcester, in *Washington County*; towns of Brookline, Dover, Halifax, Jamaica, Londonderry, Marlboro, Newfane, Somerset, Stratton, Townshend, Wardsboro, Whitingham, Wilmington, and Windham, in *Windham County*; towns of Andover, Baltimore, Barnard, Bethel, Bridgewater, Cavendish, Ludlow, Plymouth, Pomfret, Reading, Rochester, Royalton, Sharon, Stockbridge, Weston, West Windsor, and Woodstock, in *Windsor County*.

(4) GENERALLY INFESTED AREA

All parts of the regulated area not designated as lightly infested in section (3) hereof shall comprise the generally infested area.

(5) BROWN-TAIL MOTH INFESTED AREA

The following counties, towns, and other political subdivisions, including any cities, boroughs, or other political subdivisions included within their limits, are also infested with the brown-tail moth and are hereby designated as the brown-tail moth infested area:

Maine.—Counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo, and York; towns of Chesterville, Farmington, Industry, Jay, New Sharon, and Wilton, in *Franklin County*; towns of Bar Harbor, Bucksport, Orland, Surry, and Trenton, and the city of Ellsworth, in *Hancock County*, and all territory west and south of said towns in said county; towns of Albany, Bethel, Brownfield, Buckfield, Canton, Denmark, Dixfield, Fryeburg, Greenwood, Hartford, Hebron, Hiram, Lovell, Mason, Milton Plantation, Norway, Oxford, Paris, Peru, Porter, Rumford, Stoneham, Stow, Sumner, Sweden, Waterford, and Woodstock, in *Oxford County*; cities of Bangor and Brewer, and towns of Carmel, Dixmont, Etna, Hampden, Hermon, Newburgh, Orrington, and Plymouth, in *Penobscot County*; and towns of Canaan, Fairfield, Mercer, Norridgewock, Pittsfield, Skowhegan, Smithfield, and Starks, in *Somerset County*.

Massachusetts.—Counties of Barnstable, Bristol, Dukes, Essex, Middlesex, Nantucket, Norfolk, Plymouth, and Suffolk; towns of Ashburnham, Berlin, Blackstone, Bolton, Boylston, Clinton, Douglas, Fitchburg, Gardner, Grafton, Harvard, Holden, Hopedale, Lancaster, Leominster, Lunenburg, Mendon, Millford, Millbury, Millville, Northborough, Northbridge, Paxton, Princeton, Royalston, Shrewsbury, Southboro, Sterling, Sutton, Templeton, Upton, Uxbridge, Webster, West Boylston, Westboro, Westminster, and Winchendon, and the city of Worcester, in *Worcester County*.

New Hampshire.—Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; all of *Carroll County* except the town of Jackson; all of *Grafton County* except the towns of Bethlehem and Littleton.

Vermont.—Towns of Barnet and Ryegate, in *Caledonia County*; towns of Bradford, Fairlee, Newbury, Thetford, and West Fairlee, in *Orange County*; towns of Brattleboro, Dummerston, Putney, Rockingham, Vernon, and Westminster, in *Windham County*; towns of Hartford, Hartland, Norwich, Springfield, Weatherford, West Windsor, and Windsor, in *Windsor County*.

Regulation 3. Control of Movement of Restricted Articles

Certification required.—Except as otherwise provided in this regulation:

(1) No restricted articles as defined in regulation 1 shall be moved interstate from the regulated areas to or through any point outside thereof, nor from the generally infested area to the lightly infested area, unless and until a certificate or permit shall have been issued therefor by an inspector.

(2) *Christmas trees and evergreen boughs*.—Coniferous trees, such as spruce, fir, hemlock, pine, juniper (cedar), and arborvitae (white cedar), without roots, known and described as Christmas trees, and parts thereof over 1 foot in length, originating in the generally infested area (unless grown as nursery stock in a cultivated nursery and certified under the provisions of regulation 4 hereof), shall not be moved interstate to any point outside of such area and no certificate or permit will be issued authorizing such movement. Such articles which have originated in the lightly infested area may be moved interstate from the generally infested area under the inspection and certification prescribed in paragraph (1) hereof.

(3) *Shipments from brown-tail moth infested area*.—Except as provided in paragraph (5) hereof no deciduous trees or shrubs, or such branches or other parts thereof as bear leaves, shall be moved interstate from the area designated as infested by the brown-tail moth to any point outside thereof unless and until a certificate or permit shall have been issued therefor by an inspector, except that as to such movement wholly within the generally infested gypsy-moth area or wholly within the lightly infested gypsy-moth area, or from the lightly infested to the generally infested gypsy-moth area, a valid State nursery inspection certificate of the State from which the shipment is made may be substituted for such Federal certificate or permit.

(4) *Shipments within regulated areas unrestricted*.—Other than as prescribed in paragraph (3) hereof, and in regulation 7, no restrictions are placed by these regulations on the interstate movement of restricted articles wholly within the generally infested area or wholly within the lightly infested area or from the lightly infested area to the generally infested area.

(5) *Cut flowers and greenhouse-grown plants*.—In the case of woody plants which are grown in the greenhouse throughout the year, the plants themselves and the cut flowers thereof may be moved interstate without inspection or certification¹ under these regulations on condition that each box or package thereof is plainly labeled to show that the contents were greenhouse grown.

(6) *Herbaceous plants unrestricted*.—No restrictions¹ are placed by these regulations on the interstate movement of strawberry plants, or of other herbaceous annual or perennial plants or parts thereof.

Regulation 4. Conditions Governing the Issuance of Certificates of Inspection

(a) *Application; assembly of articles for inspection*.—Persons intending to move restricted articles interstate shall make application therefor as far as possible in advance of the probable date of shipment. Applications must show the nature and quantity of the plants or plant products or stone and quarry

¹ Shipments of such plants and flowers from the area regulated under the Japanese beetle quarantine are subject to the certification requirements of that quarantine.

products it is proposed to move, together with their exact location, and, if practicable, the contemplated date of shipment. Applicants for inspection will be required to assemble or indicate the articles to be moved interstate so that they can be readily examined by the inspector. If not so placed, inspection will be refused. Articles to be inspected must be free from ice and snow and in condition to make inspection easily practicable.

(b) *Nursery-grown stock.*—With respect to nursery-grown stock, Federal inspection and the issuance of Federal certificates authorizing the interstate movement of nursery products will be conditioned on the presentation of a valid State certificate stating that the nursery or lot of nursery stock in question has been inspected by a State nursery inspector and certifying that it is apparently free from infestation with gypsy and brown-tail moths. Such State certification shall be renewed each year, shall be based on an inspection made as promptly as practicable after the egg-laying period of the gypsy moth, and shall be valid for the purpose of Federal certification, until the following egg-hatching period, except that, pending reinspection, shipments may be inspected and certified for interstate movement on the basis of the State certification of the preceding year. Whenever any nursery or independent unit thereof in the regulated area, or any shipment therefrom, is reported by a State inspector to be appreciably infested with either the gypsy moth or the brown-tail moth, or whenever such infestation is determined by a Federal inspector, further certification for interstate movement from such nursery, or independent unit thereof, will be refused until such nursery has been freed from infestation and has been again inspected and certified by the State to be apparently clean except that during such periods of refusal, Federal inspection and certification of individual shipments of nursery stock from nurseries being freed from infestation may be given, provided a special certificate showing freedom from infestation has been issued therefor by a State inspector after examination of the material in each such shipment. During the larval period of the gypsy moth all nursery stock shall be assembled for the examination of the Federal inspector, and if passed by him as free from any infestation, either by egg masses or larvae, it may then be lined up and thoroughly sprayed under the direction of and in manner and method satisfactory to the said inspector, who will certify each shipment as having been thus inspected and treated.

(c) *Native trees and shrubs.*—With respect to living trees and plants not grown in nurseries, inspection and certification for interstate movement will be conditioned upon the presentation of a statement by the applicant specifying the exact source of such trees and plants, and in addition to such statement, if dug on land other than the property of the applicant, a permit from the owner of the said land authorizing such digging, provided such permit is required under the law of the State wherein the land is situated. If the inspection of the trees or plants intended for shipment discloses infestation with either the gypsy moth or brown-tail moth, certification may be refused as to the intended shipment and as to other similar shipments of trees or plants originating on the same property or in the same locality.

(d) *Forest products and stone and quarry products.*—Certificates of inspection authorizing the interstate movement of forest products and stone and quarry products may be issued under either of the following conditions: (1) When the articles to be moved interstate have actually been inspected and found free from infestation; or (2) when the articles have been disinfected under the supervision of an inspector in such a manner as to eliminate all risk of infestation. With respect to quarries, and with respect to yards or other places where forest products are assembled for shipment, as a condition of inspection and certification, the premises or surroundings of such places shall be cleaned up and kept free from gypsy moth infestation.

(e) *Charges for storage, etc.*—All charges for storage, cartage, and labor incident to inspection or disinfection other than the services of the inspectors shall be paid by the shipper.

(f) *Use of certificates.*—Certificates of inspection will be issued only for plants and plant products and stone and quarry products which are free from infestation by the gypsy moth and the brown-tail moth and have been so determined by an inspector. The use of such certificates in connection with plants and plant products and stone and quarry products which are not in compliance with these regulations is unlawful.

(g) *Report of certificates.*—Persons to whom certificates are issued shall report at time of shipment on forms provided for that purpose all their sales or shipments of such articles to points outside the regulated area.

Regulation 5. Conditions Governing the Issuance of Permits Without Inspection, and the Reporting of Shipments

Permits authorizing the interstate movement of restricted articles may be issued (1) when such products have been grown, or manufactured, processed, and stored in such a manner that, in the judgment of the inspector, no infestation could be transmitted, and (2) when such products originate outside of the infested areas and, while within the infested area, have been stored and safeguarded in such a manner that, in the judgment of the inspector, no infestation could be transmitted. Permits will be issued only for plants and plant products and stone and quarry products which are not infested with the gypsy moth or brown-tail moth.

Persons to whom permits are issued shall report at time of shipment on forms provided for that purpose all their sales or shipments of such articles to points outside the regulated area.

Regulation 6. Marking and Certification a Condition of Interstate Transportation

(a) Every box, basket, bale, or other container of the articles restricted for which a certificate or permit is required by these regulations shall be plainly marked with the name and address of the consignor and the name and address of the consignee, and the shipper shall securely attach to the outside thereof a valid certificate or permit issued in compliance with these regulations. In the case of lot shipments by freight, one certificate attached to one of the containers and another certificate attached to the waybill will be sufficient.

(b) In the case of bulk carload shipments by rail, the certificate shall accompany the waybill, conductor's manifest, memorandum, or bill of lading pertaining to such shipment, and in addition each car shall have securely attached to the outside thereof a placard showing the number of the certificate or certificates accompanying the waybill.

(c) In the case of shipment by road vehicle, the certificates shall accompany the vehicle.

(d) Certificates shall be surrendered to the consignee upon delivery of the shipment.

Regulation 7. Thorough Cleaning Required of Cars, Boats, and Other Vehicles Before Moving Interstate

Cars, boats, and other vehicles which have been used in transporting restricted articles within the regulated areas shall not be moved interstate until the same shall have been thoroughly swept out and cleaned by the carrier at the point of unloading or destination of all litter and rubbish from such regulated articles. No litter, rubbish, or refuse from any such restricted articles shall be moved interstate.

Regulation 8. Inspection in Transit

Every car, vehicle, basket, box, bale, or other container moved interstate which contains or which the inspector has probable cause to believe contains either infested articles or articles the movement of which is prohibited or restricted by these regulations, shall be subject to inspection by an inspector at any time or place.

Regulation 9. Cancellation of Certificates and Permits

Certificates and permits issued under these regulations may be withdrawn or canceled by the inspector and further certification refused, whenever in the judgment of the inspector the further use of such certificates might result in the dissemination of infestation.

Regulation 10. Shipments for Experimental, Scientific, or Educational Purposes

Articles subject to restriction in these regulations may be moved interstate for experimental, scientific, or educational purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely

attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine.

These revised rules and regulations shall be effective on and after September 29, 1938, and shall supersede the rules and regulations promulgated November 4, 1935.

Done at the city of Washington this 28th day of September 1938.

Witness my hand and the seal of the United States Department of Agriculture.

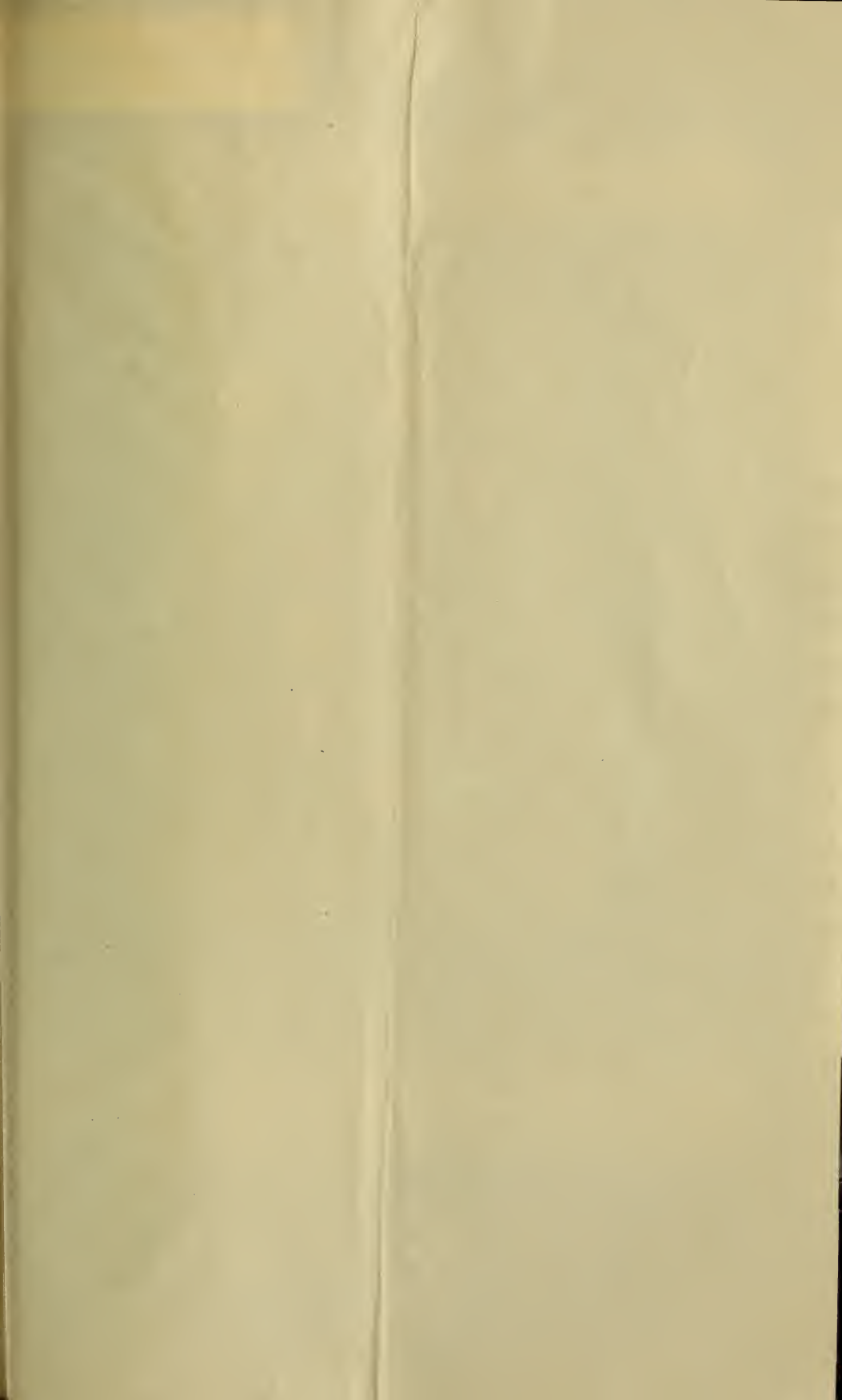


HARRY L. BROWN,
Acting Secretary of Agriculture.

APPENDIX

PENALTIES

The Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended, provides that no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport, from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds * * * or any other article * * * specified in the notice of quarantine * * * in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. It also provides that any person who shall violate any of the provisions of this act, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding \$500, or by imprisonment not exceeding 1 year, or both such fine and imprisonment, in the discretion of the court.



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